REMARKS

This Amendment addresses the final Office Action dated October 13, 2010.

Claims 1-25 and 28-29 are pending prior to entry of this Amendment. Of those claims, claims 1, 15, 16, 24, 28 and 29 are independent.

The independent claims have been clarified to recite a Java Application Descriptor and that the second data portion of each third data element defines a translation of the name of the MIDlet of the Java Application Descriptor into a language specified by the individual locale identifier portion. Additionally, "application descriptor" is now recited as "Java Application Descriptor" in dependent claims 15 and 17 for consistency with the independent claims. Support for the foregoing amendments can be found in the specification and in previous dependent claims 9 and 12, which have been deleted.

Previous dependent claim 8 has been deleted.

Claims 18 and 22 also are clarified to recite "configured to" wording. This clarification is not made for reasons related to patentability and the full range of equivalents of the claims elements should remain intact.

It is respectfully noted that the foregoing amendments are believed to place the application in condition for immediate allowance. No further search and/or consideration should be required in view of the amendments. Accordingly, the Examiner is respectfully requested to enter and consider this Amendment, including the remarks herein, which are believe to address all of the Examiner's outstanding issues.

Accordingly, upon entry of this Amendment, claims 1-7, 10-11, 13-25 and 28-29 are pending. Of those claims, claims 1, 15, 16, 24, 28 and 29 are independent.

Referring now to the outstanding Office Action, Applicant addresses the comments made by the Examiner in the order in which they were raised.

Specification

The Examiner's withdrawal of the objection to the specification, which is indicated at page 2 of the Action, is duly noted.

Claim Objections

The Examiner's withdrawal of the objection to previous claim 4, which is indicated at page 3 of the Action, is duly noted.

Claim Rejections – 35 USC 101

The Examiner's withdrawal of the rejection of claims 1-17 and 23, which is indicated at page 3 of the Action, is duly noted.

Claim Rejections – 35 USC 102

At page 5 of the Action, the Examiner rejects claims 1-25, 28 and 29, which includes all of Applicant's independent claims, as being anticipated by US Patent 7,275,243 to Gibbons et al. ("Gibbons").

The foregoing rejection is respectfully disagreed with, and is traversed below.

The Examiner refers to column 24, lines 38-41 of Gibbons, which recite "any of the files described herein can be combined and/or separated into other files without departing from the spirit or scope of the present invention". The Examiner then

asserts that a combination of the content descriptor file of figure 7 and the web descriptor file of figure 11 disclose the combination of features as previously recited in Applicant's claimed application descriptor.

In order to expedite and advance the prosecution of the subject application, the independent claims have been clarified to specifically refer to a Java Application Descriptor describing a MIDlet available for download. Furthermore, the first data element has been amended so as to specify that it comprises a value of an attribute for the name of the MIDlet of the Java Application Descriptor. The second data element has been amended so as to recite identifying the MIDlet and comprising a value of a MIDlet-Jar-URL attribute of the Java Application Descriptor. Finally, the independent claims have been amended so as to recite that the second data portion defines a translation of the name of the MIDlet into a language specified by the individual locale identifier portion.

As indicated above, the presently revised independent claims include of the subject matter of previous dependent claims 9 and 12.

In the Final Office Action, the Examiner deems that Gibbons teaches the subject matter of claims 9 and 12. Applicant respectfully disagrees.

The Examiner refers to column 18, lines 35-37, which states that the application submitted with the file is a MIDlet. However, the mere fact that the content descriptor file relates to MIDlet does not, of itself, mean that the content descriptor file is a "Java Application Descriptor". Importantly, a Java Application Descriptor is a part of a MIDlet suite. A MIDlet suite comprises the Java Application Descriptor and a Java Application Resource which contains the MIDlet application.

A Java Application Descriptor comprises a predetermined set of attributes that allow a downloading device to identify, retrieve and install a MIDlet. A Java Application Descriptor has a specific syntax, format and attributes to enable identification,

retrieval and installation of the MIDlet that it describes. In particular, a Java Application Descriptor includes the following set of attributes:

- ☐ MIDlet-Name:
- ☐ MIDlet-Version:
- ☐ MIDlet-Vendor:
- ☐ MIDlet-Jar-URL:
- ☐ MIDlet-Jar-Size:

As will be readily apparent to the Examiner, the content application descriptor of figure 7 of Gibbons fails to disclose or even suggest, for example, a "MIDlet-Jar-Size:", as well as a "MIDlet-Vendor:".

Likewise, the web descriptor file of figure 11 of Gibbons also fails to disclose, or even suggest, the above-mentioned attributes which are in a Java Application Descriptor.

Accordingly, it is clear that the content descriptor file and the web descriptor file either alone or in combination do not correspond to a Java Application Descriptor, nor a Java Application Descriptor having attributes as recited in the independent claims.

Thus, Gibbons fails to disclose, or even suggest, the present combination of features of the independent claims, for example, any specific reference to a Java Application Descriptor comprising the data elements and their respective attributes as presently claimed.

It is important to note that Gibbons seeks to provide a single protocol, which can be utilized by different Application Execution Environments, examples of which include J2ME, BREW and WAP (see column 4, lines 31-32 and column 2, lines 13-14). Thus, not only does Gibbons fail to disclose specifically a Java Application Descriptor, but the content descriptor file of Gibbons purposefully seeks to provide single generic protocol, which can be used by different Application Execution

Environments. Thus, Gibbons <u>teaches in a direction away from the presently claimed invention</u> which specifically recites a Java Application Descriptor having data elements as set out in the independent claims.

Since Gibbons fails to provide any teaching or reason that would enable a person skilled in the art to modify Gibbons' content descriptor file and web descriptor file so as to arrive at a Java Application Descriptor as set out in independent claim 1, it is submitted that claim 1 is new and non-obvious in view of the cited art. The subject matter of the other independent claims is considered to be allowable, at least, for corresponding reasons regarding correspondingly recited subject matter.
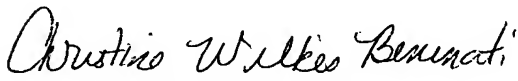
Similarly, the subject matter of each of the dependent claims is considered to be allowable, at least, in view of their dependency from an independent claim, which also is new and non-obvious.
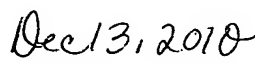
Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims based upon Gibbons.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. Thus, a Notice of Allowance is earnestly solicited.

Should the Examiner have any questions or believe that a discussion would help to advance the prosecution of the subject application, a call to the undersigned would be appreciated.

Respectfully submitted:

Christine Wilkes Beninati   _Dec 13, 2010_
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Christine Wilkes Beninati   Date
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